

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEBRA MORRISON,

Plaintiff,

vs.

Civil Action No. 1:21-cv-283

LIFE INSURANCE COMPANY OF
NORTH AMERICA,

Defendant.

COMPLAINT

AND NOW, comes the Plaintiff, DEBRA MORRISON, by and through her attorney, Brian Patrick Bronson, Esquire, and the law firm of QuatriniRafferty, P.C., and files this Complaint in Civil Action in the Federal District Court for the Western District of Pennsylvania, stating as follows:

INTRODUCTION

NATURE OF THIS ACTION

1. This action is filed pursuant to the Employment Retirement Income Security Act of 1974, 29 U.S.C. §1001 et seq. (hereinafter referred to as "ERISA") and the Declaratory Judgment Act, 28 U.S.C. §§2201, 2202. Ms. Debra Morrison (hereinafter "Plaintiff") is a participant in an employee welfare benefit plan (hereinafter referred to as "The Plan") which is administered pursuant to an insurance policy issued by Life Insurance Company of North America. The Plan is governed by ERISA. Plaintiff is a beneficiary under the Plan. This Complaint challenges the Plan's unlawful practice of failing to provide

Plaintiff with the timely payment of Long Term Disability benefits under the Plan. Specifically, Plaintiff is filing this action to enforce her rights under the Plan and for attorney fees, interest and costs as provided by ERISA.

JURISDICTION AND VENUE

2. This Court has Original Jurisdiction to hear this Complaint and to adjudicate the claims herein pursuant to 28 U.S.C. §1331 and 29 U.S.C. §1132.

3. Venue is proper in this Court, as the Plan was administered in the Western District of Pennsylvania.

PARTIES

4. The Plaintiff, Debra Morrison resides at 410 Gibson Road, Pittsfield, PA 16340, Warren County.

5. The Defendant, Life Insurance Company of North America, is the Claims Administrator of Long Term Disability claims and is located at 1601 Chestnut Street, Philadelphia, PA 19192.

6. Defendant administered employee benefits, mainly Long Term Disability benefits, under the Plan in accordance with the insurance policy issued to the Plan by the Claims Administrator.

STATEMENT OF FACTS

7. The Plaintiff, Ms. Debra Morrison, last worked for The Rouse Estate as a Resident Assistant I on or about October 3, 2017, wherein she stopped working due to

diagnoses, symptoms, and functional limitations of Cerebellar Stroke; Memory Loss; Post-Procedure Intra-Abdominal Abscess; Status Post Barbaric Surgery; Adult Respiratory Distress Syndrome; Chronic Pain Subsequent to Surgery; Chronic Deep Vein Thrombosis (DVT); Anxiety Disorder; and Depressive Disorder.

8. By letter dated June 22, 2018, Defendant approved Plaintiff's claim for Long Term Disability benefits under the Own Occupation standard.

9. By letter dated March 18, 2020, Defendant denied Plaintiff's claim for Long Term Disability benefits under the Any Occupation standard.

10. Plaintiff, by and through her Attorney Brian Patrick Bronson, Esquire, filed a timely and responsive appeal by letter dated September 11, 2020, which was supplemented with additional evidence by letter dated November 10, 2020.

11. By letter dated March 10, 2021, Defendant approved Plaintiff's claim for Long Term Disability benefits up to July 21, 2020.

12. By letter dated March 23, 2021, Defendant denied Plaintiff's claim for Long Term Disability benefits beyond July 21, 2020. This letter states, "At this point in time you have exhausted all administrative levels of appeal and no further appeals will be considered."

13. Plaintiff was awarded Social Security Disability benefits with a date of disability of October 1, 2017. The Plaintiff continues to receive Social Security Disability benefits in an uninterrupted fashion.

CAUSE OF ACTION

Employment Retirement Income Security Act of 1974, 29 U.S.C. §1001 et seq.

14. Paragraphs 1 through 13 are incorporated herein as if set forth at length.
15. Plaintiff has exhausted all administrative remedies and mandatory appeals as required by the Plan and ERISA 29 U.S.C. §1001 et seq.
16. At all times relevant to this action, the Plaintiff has been unable to perform the material duties of any gainful occupation due to diagnoses, symptoms, and functional limitations of Cerebellar Stroke; Memory Loss; Post-Procedure Intra-Abdominal Abscess; Status Post Barbaric Surgery; Adult Respiratory Distress Syndrome; Chronic Pain Subsequent to Surgery; Chronic Deep Vein Thrombosis (DVT); Anxiety Disorder; and Depressive Disorder.
17. The Defendant's actions in denying Plaintiff benefits under the Plan constitutes a violation of 29 U.S.C. § 1132(3)(B)(ii) .
18. The Defendant ignored pertinent medical evidence and failed to evaluate all of the evidence of record including the medical of Plaintiff's treating physicians.
19. The Defendant did not conduct a full and fair review of the claim as required by ERISA.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully prays that the Court issue an Order:

- (1) Awarding, declaring or otherwise providing Plaintiff all relief to which Plaintiff is entitled under ERISA Section 502 Paragraph (a) 29 U.S.C. Section 1132(a);
- (2) Awarding pre and post judgment interests;

- (3) Awarding Plaintiff the costs of this action and reasonable attorneys fees;
- (4) Awarding such other relief as may be just and reasonable.

/s/ Brian Patrick Bronson, Esquire
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Dated: October 13, 2021